

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

LAKELAND BANK,	:	No. 4:22-CV-1076-WIA
Plaintiff	:	Hon. William I. Arbuckle, III
	:	
v	:	
	:	
	:	
SUN-RE CHEESE CORP.,	:	JURY TRIAL DEMANDED
Defendant.	:	(Electronically Filed)

**DEFENDANT'S RULE 59 MOTION TO ALTER OR AMEND
THE COURT'S JUDGMENT [DOC. 62]**

COMES NOW Defendant Sun-Re Cheese Corp. ("Sun-Re"), by and through its counsel, Timothy A. Bowers, JD and makes the following Motion:

1. On February 21, 2023 the Court entered an Order and Judgment After Trial [Doc. 62] granting judgment in replevin in favor of Plaintiff Lakeland Bank ("Lakeland") with respect to certain equipment.
2. On February 21, 2023 the Court entered an accompanying Memorandum Opinion [Doc. 61] containing the following conclusions of law:
 - A. The six year New Jersey statute of limitations applies to this matter and the action is timely.
 - B. Alternatively, the two year Pennsylvania statute of limitations applies to this matter and the action is timely.
 - C. Lakeland is entitled to possession of the equipment.

3. Sun-Re respectfully suggests that the Court has misapplied the law of New Jersey with respect to the choice of statutes of limitations and the Court should reconsider its holding that the New Jersey statute applies in this matter.

4. Sun-Re respectfully suggests that the Court has overlooked or misapplied case law regarding events which trigger an action in replevin in Pennsylvania and the Court should reconsider its holding that this action is timely under the two year Pennsylvania statute.

5. Sun-Re respectfully suggests that the Court erred in concluding that Lakeland is entitled to possession of the equipment in that Lakeland has failed to bring a timely action for possession.

6. The Federal Rules of Civil Procedure permit a party to bring a motion to amend or alter a judgment. F.R.C.P. 59(e).

7. A brief in support of this Motion will be filed within the time permitted by L.R. 7.5.

WHEREFORE, Defendant Sun-Re Cheese Corp. respectfully requests that the Honorable Court grant its Motion to Amend or Alter the Court's judgment and enter judgment in favor of the Defendant finding that Plaintiff Lakeland Bank has not timely filed this action and is not entitled to possession of the property.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 21st day of March 2023 served a true and correct copy of the foregoing document via electronic mail as follows:

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